

REMARKS

Applicants hereby traverse the outstanding rejections and request reconsideration and withdrawal in light of the remarks contained herein. No claims are amended by this response. Claims 20-24 and 26 are pending in the present application.

I. Claim Rejections Under 35 U.S.C. § 103(a)

Claims 20-24 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Huotari* (WO96/13949) in view of *Smyk* (U.S. Pat. No. 6,161,128). Office Action, page 2. However, the Examiner explicitly relies on *Pepe* (U.S. Pat. No. 5,742,668) as a basis for these rejections throughout the Office Action. Office Action, pages 2-3. Accordingly, Applicants respectfully request that the Examiner clarify the basis for the rejections of claims 20-24 and 26.

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the references teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Applicant respectfully asserts that the rejection does not satisfy the basic criteria.

A. Claim 26

Lack of Motivation

First, the Examiner states that “... it would have been obvious for one of ordinary skill in the art to modify the teaching of *Huotari* with that of *Smyk* for the advantage of providing architecture for supporting internet based support of AIN services.” Office Action, page 3. Hence, although the Examiner relies on a combination of *Huotari*, *Smyk*, and *Pepe*, the Examiner only provides motivation or suggestion for combining *Huotari* and *Smyk*. Applicants assert that there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine *Huotari* and/or *Smyk* with *Pepe*. Therefore, at least for this reason, the rejection of claim 26 is

improper. Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claim 26 be withdrawn.

Second, “[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” M.P.E.P. § 2143 citing *In re Ratti*, 270 F.2d 810 (CCPA 1959). *Huotari* teaches a system for triggering an intelligent network service during a mobile phone call. *Huotari*, Abstract. Meanwhile, *Smyk* teaches a system whereby a subscriber sets up an intelligent network feature over the Internet. *Smyk*, col. 3, lines 44-67; col. 9, line 20-col. 10, line 32 (figures 4A-C). Applicants assert that *Huotari*’s system is so different from *Smyk*’s system that the suggested combination would require a substantial change in the basic principle under which *Huotari* and/or *Smyk* operate. Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claim 26 be withdrawn.

Lack of Claimed Limitations

Claim 26 recites, in part, “... a telecommunications network attempts to establish a call connection between a user that initiates the digits request trigger and a called number associated said dialed digits or feature code.” The Examiner mistakenly relies on *Huotari* as teaching or suggesting this feature of claim 26. Office Action, pages 2-3. Instead, *Huotari* teaches that:

“As the triggering criteria of the service trigger are met at some phase of the call, the mobile services switching center triggers the respective intelligent network service” *Huotari*, Abstract.

However, this is not the same limitation as the claimed limitation. For example, the service trigger of *Huotari* is transmitted during an existing call, whereas claim 26 requires that a network attempts to establish the call *after* the user has initiated a digits request trigger. Applicants assert that neither *Huotari*, *Smyk*, nor *Pepe* teach or suggest the claimed feature. Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claim 26 be withdrawn.

Claim 26 also recites, in part, “means for sending said requested information to subscribers on said wireless network.” The Examiner mistakenly relies on *Huotari* as teaching or suggesting this feature of claim 26. Office Action, page 3. Instead, at the passage cited by the Examiner, *Huotari* teaches:

“A service management system SMS is used for controlling information concerning the users and the network in the database, including service specific information and service programmes.

The mobile services switching center VMSC functions as the service switching point SSP fulfilling the service switching function SSF, providing the user with access to intelligent network services in a way independent of the service. The VMSC/SSF is able to recognize a call requesting intelligent network service, which call may originate in a mobile subscriber MS located in the VMSC area, in a public switched telephone network PSTN, or in a private branch exchange PBX. The intelligent network call may, as a result of the intelligent network service, be routed towards a mobile subscriber, a public switched telephone network PSTN, or a private branch exchange PBX. For reasons of clarity, Figure 2 only shows in the mobile services switching center VMSC the functional blocks necessary for describing the invention. It is, however, obvious for a person skilled in the art that the VMSC comprises a lot of other units which are not, however, shown here. A suitable commercial mobile services switching center to which the present invention can be applied is the DX200 MSC manufactured by Nokia Telecommunications.” *Huotari*, page 9, line 20-page 10, line 10.

Applicants assert that this passage does not teach or suggest sending a requested information to subscribers on a wireless network, and that neither *Huotari*, *Smyk*, nor *Pepe* teach or suggest the claimed feature. Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claim 26 be withdrawn.

B. Claims 20 and 21

Claim 20 recites, in part, “receiving a digits request trigger from said communication devices, wherein the digits request trigger is a signaling message that is associated with a call set-up process, the digits request trigger comprising dialed digits or a feature code, whereby a communications network attempts to establish a call connection between a user that initiates the digits request trigger and a called number associated said dialed digits or feature code.” The Examiner states that Claim 20 is rejected on the same ground and motivation as claim 26. Office Action, page 3-4. However, Applicants respectfully point out that claim 20

recites novel and nonobvious features that are distinct from those recited by claim 26 and, as such, must be examined on its own merits. Furthermore, the proposed combination of *Huotari*, *Smyk*, and *Pepe* does not teach or suggest, at least, this element of claim 20. And, as noted above, there is no motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine *Huotari*, *Smyk*, and *Pepe*. Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claim 20 be withdrawn.

Claim 21 is dependent from base claim 20, and thus inherit all of its limitations. As noted above, the combination of *Huotari*, *Smyk*, and *Pepe* fails to teach or suggest all of the limitations of base claim 20. Consequently, the combination of references also fails to teach or suggest all of the limitations of claim 21. Furthermore, there is no motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine *Huotari*, *Smyk*, and *Pepe*. Accordingly, Applicants respectfully request that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of claim 21.

C. Claims 22-24

Claim 22 recites, in part, “means for receiving said digits request trigger from said wireless network, wherein the digits request trigger is a signaling message that is associated with a call set-up process, the digits request trigger comprising dialed digits or a feature code, whereby a telecommunications network attempts to establish a call connection between a user that initiates the digits request trigger and a called number associated said dialed digits or feature code.” The Examiner states that Claim 22 is rejected on the same ground and motivation as claim 26. Office Action, page 4. However, Applicants respectfully point out that claim 22 recites novel and nonobvious features that are distinct from those recited by claim 26 and, as such, must be examined on its own merits. Furthermore, the proposed combination of *Huotari*, *Smyk*, and *Pepe* does not teach or suggest, at least, this element of claim 22. And, as noted above, there is no motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine *Huotari*, *Smyk*, and *Pepe*. Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claim 22 be withdrawn.

Claims 23 and 24 are dependent from base claim 22, and thus inherit all of its limitations. As noted above, the combination of *Huotari*, *Smyk*, and *Pepe* fails to teach or suggest all of the limitations of base claim 22. Consequently, the combination of references also fails to teach or suggest all of the limitations of claims 23 and 24. Furthermore, there is no motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine *Huotari*, *Smyk*, and *Pepe*. Accordingly, Applicants respectfully request that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of claims 23 and 24.

Conclusion

In view of the above remarks, Applicants believe the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 51410/P001CP1C1CP1/10105303 from which the undersigned is authorized to draw.

Dated: October 14, 2005

Respectfully submitted,

By 
Michael J. Fogarty, III
Registration No.: 42,541
FULBRIGHT & JAWORSKI L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, Texas 75201-2784
(214) 855-8172
(214) 855-8200 (Fax)
Attorney for Applicant